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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)
WRIT PETITION NO. /2005

PETITIONER

Kusum Engineering Works,
Shop No. K-4-40, Zone-2,
Sector 11, Khursipar,
Bhilai, Dist.Durg (C.G.)
Through its Proprietor
Lal Babu Shrivastava,
S/o. Shri C. Lal,
Aged about 30 years,
R/o. Street 35, Qr. No.
4/F, Zone-2, Sector 11,
Khursipar, Bhilai,
District Durg (C.G)

VERSUS

RESPONDENTS

1. Employees Provident Fund
Organisation,
Regional Office,
Nava Bharat Complex,
Rajvandha Maidan,
G.E. Road, Raipur (C.G.)
Through its Commissioner

2. Assistant Provident Fund
Commissioner,
Regional Office,
Nava Bharat Complex,
Rajvandha Maidan,
G.E. Road, Raipur (C.G.)

P.R. No. 1453/05
Presented by Shri Rajkumar Pathi
dated 05-04-05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS ETC.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1380/ **सन्** 2005

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20-4-2005

On a mention being made, the case is taken up for hearing.

Mrs. Fouzia Mirza, counsel for the petitioner.

Mr. Pradeep Saksena, counsel for the respondents.

Heard both the counsel.

The petitioner has questioned the legality and propriety of the orders dated 17-2-2005 and 25-2-2005 issued by the Assistant Provident Fund Commissioner, Regional Officer, Raipur, asking the petitioner to pay a sum of Rs.1,42,826/-, statutory dues under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act').

Vide order dated 10-6-2004 (Annexure P-9) the Regional Provident Fund Commissioner, Regional Office, Raipur, under Section 7A of the Act determined the amount of Rs.1,42,826/- due against the petitioner under the Provident Fund A/c-I, E. Pension Fund A/c-X, E.D.L.I. contributions A/c No.XXI, Adm. Charges, and the petitioner was asked to deposit the same. When in pursuance of the said order, the petitioner failed to deposit the amount, notice dated 17-2-2005 (Annexure P-12) was issued to the petitioner asking him to deposit the amount within seven days, which the petitioner failed to deposit. Thereafter, again notice dated 25-2-2005 (Annexure P-14) was issued to the petitioner, and both these notices Annexures P-12 & P-14 have been questioned by the petitioner herein.

Learned counsel for the petitioner argued that the Regional Provident Fund Commissioner without looking into the return filed by the petitioner that the employees were already removed, has determined the amount.

As far as this argument of learned counsel for the petitioner is concerned, there is already a provision under the Act and the petitioner is

XI-HC-22

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..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

entitled to file appeal before the Tribunal at Delhi. This Court cannot sit as an appellate Court and cannot go into the merits of the said orders.

The second contention raised by learned counsel for the petitioner is that the petitioner intends to file appeal against the said orders dated 17-2-2005 and 25-2-2005 before the Tribunal for which limitation is 60 days and 60 days more time is also available to the petitioner, of course subject to the extension granted by the Tribunal.

Learned counsel for the petitioner further submits that her limited prayer is that the petitioner may be allowed some time to file appeal and till then the respondents be asked not to insist for recovery of that amount.

Mr. Pradeep Saksena, learned counsel for the respondents submitted that sufficient time was at the command of the petitioner, and the petitioner ought to have filed appeal and obtained stay.

Having heard learned counsel for the parties, having perused the documents and having regard to the limitation time, in the facts and circumstances of the case, I am of the opinion that it is just and proper to allow 30 days' time from today to the petitioner to file appeal and obtain the order from the appellate Tribunal, Delhi, and if the petitioner is failed to obtain any order from the Tribunal within this period, then the respondents shall be at liberty to enforce the impugned orders. Ordered accordingly.

With the observations and directions aforesaid, the petition stands disposed of.

Consequently, M.(W.)P.No.1068/2005 and I.A.No.2606/2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sdl-
L.C. Bhadoo
Judge

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